

In the High Court of Punjab and Haryana at Chandigarh

CR No. 5733 of 2018(O&M)

Date of Decision: 31.8.2018

Smt. Ramesh Nayyar and another

---Petitioners

versus

Ms. Promiljit Kaur Saini

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Mukesh Berry, Advocate
for the petitioners**

**Mr. Ketan Chopra, Advocate,
for Mr. Anuj Raura, Advocate
for the caveator**

Rekha Mittal, J.

The present petition directs challenge against concurrent findings of fact recorded by the Courts whereby application for eviction under Section 13-A of the East Punjab Urban Rent Restriction Act, 1949 (in short “the Act”) filed by the respondent-landlady was allowed by the Rent Controller, Chandigarh on 8.8.2017 and appeal preferred by the petitioners-tenants did not find favour with the Appellate Authority, Chandigarh and as a consequence, eviction order was affirmed.

After arguing for some time, counsel for the petitioners would state that he does not press the petition on merits but the petitioners may be given time of 11-12 months for vacating the tenancy premises and to make arrangement of alternative accommodation. He would further state that the

petitioners are ready to pay reasonable amount towards rental/use and occupation of the tenancy premises with effect from 1.9.2018 till the time they are allowed to vacate the tenancy premises.

Counsel representing the caveator has stated that petitioners may be given reasonable time to vacate the tenancy premises but they may be directed to pay mesne profits at the prevalent market rental value of the tenancy premises namely ground floor of one kanal house situated in Sector -11B, Chandigarh.

In view of the above, the order of eviction passed by the Rent Controller and affirmed in appeal is confirmed, subject, however, to the following conditions:-

1. The petitioners shall hand over vacant possession of the tenancy premises to the respondent on or before 31.5.2019.
2. The petitioners shall furnish an undertaking before the Rent Controller, Chandigarh within a period of 15 days from today that they will hand over vacant possession of the tenancy premises to the landlady on or before 31.5.2019.
3. The petitioners shall be liable to pay mesne profits @ Rs. 30,000/- per month with effect from 1.9.2018 till 31.5.2019. Mesne profits @ Rs. 30,000/- upto 31.12.2018 shall be paid to the respondent-landlady by way of demand draft within a period of one month. The mesne profits with effect from 1.1.2019 till 31.5.2019 shall be paid to the respondent-landlady by way of a

demand draft upto 15.1.2019.

Failure of the petitioners to comply with either of the aforesaid conditions would entitle the respondent to execute the eviction order forthwith.

Disposed of accordingly.

(Rekha Mittal)
Judge

31.8.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No